

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael E. Sawyer,

Petitioner,

v.

Civil No. 08-6191 (JNE/AJB)
ORDER

M. Cruz, Warden, Federal Prison Camp – Duluth,

Respondent.

This case is before the Court on a Report and Recommendation issued by the Honorable Arthur J. Boylan, United States Magistrate Judge, on February 19, 2009. The magistrate judge recommended that Michael E. Sawyer's supplemented petition under 28 U.S.C. § 2241 be dismissed without prejudice and that Sawyer's motion for judgment on the pleadings be denied as moot. Sawyer objected to the Report and Recommendation. The Court has conducted a de novo review of the record. *See* D. Minn. LR 72.2(b). Based on that review, the Court adopts the Report and Recommendation. The Court also denies Sawyer's motion to dismiss the government's response. Accordingly, IT IS ORDERED THAT:

1. Sawyer's supplemented petition under 28 U.S.C. § 2241 for a writ of habeas corpus [Docket Nos. 1 and 8] is **DISMISSED WITHOUT PREJUDICE**.
2. Sawyer's motion to dismiss the government's response [Docket No. 17] is **DENIED**.
3. Sawyer's motion for judgment on the pleadings [Docket No. 27] is **DENIED AS MOOT**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 16, 2009

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge